

**CITY OF NEWPORT BEACH  
PLANNING COMMISSION AGENDA  
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE  
THURSDAY, MAY 9, 2013  
REGULAR MEETING – 6:30 p.m.**

**MICHAEL TOERGE**  
Chair

**BRADLEY HILLGREN**  
Vice Chair

**FRED AMERI**  
Secretary

**TIM BROWN  
KORY KRAMER  
JAY MYERS  
LARRY TUCKER**

**Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:**

**KIMBERLY BRANDT, Community Development Director**

**BRENDA WISNESKI, Deputy Community  
Development Director**

**LEONIE MULVIHILL, Assistant City Attorney**

**TONY BRINE, City Traffic Engineer**

**MARLENE BURNS, Administrative Assistant**

**NOTICE TO THE PUBLIC**

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. The agendas, minutes, and staff reports are available on the City's web site at: <http://www.newportbeachca.gov> and for public inspection in the Community Development Department, Planning Division located at 100 Civic Center Drive, during normal business hours. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person. All testimony given before the Planning Commission is recorded.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant of this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or [lbrown@newportbeachca.gov](mailto:lbrown@newportbeachca.gov)).

**APPEAL PERIOD:** Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

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**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**IV. PUBLIC COMMENTS**

*Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.*

**V. REQUEST FOR CONTINUANCES**

**VI. CONSENT ITEMS**

**ITEM NO. 1      MINUTES OF APRIL 18, 2013**

**Recommended Action:** Approve and file

**VII. OTHER BUSINESS**

**ITEM NO. 2      RESIDENTIAL LOT MERGER CODE AMENDMENT - (PA2012-102)  
Site Location: City of Newport Beach**

**Summary:**

Discussion of residential lot mergers and resulting larger homes, including their consistency with General Plan policies protecting the character of residential neighborhoods, a review of current development controls, and consideration of additional controls.

**Recommended Action:**

1. Receive staff presentation, discuss and provide direction as needed.

**VIII. STAFF AND COMMISSIONER ITEMS**

**ITEM NO. 3      MOTION FOR RECONSIDERATION**

**ITEM NO. 4      COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

**ITEM NO. 5      ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS  
WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR  
REPORT**

**ITEM NO. 6      REQUESTS FOR EXCUSED ABSENCES**

**IX. ADJOURNMENT**

## Comments on April 18, 2013 Draft PC Minutes

The following comments on Agenda Item No. 1 on the Newport Beach Planning Commission's May 9, 2013, agenda are submitted by: Jim Mosher ( [jimmosher@yahoo.com](mailto:jimmosher@yahoo.com) ), 2210 Private Road, Newport Beach 92660 (949-548-6229)

### ***Item No. 1 Minutes of April 18, 2013***

Passages from the draft minutes are shown in *italics* with suggested changes in **strikeout underline** format.

Page 3:

- Paragraph 4 ("Substitute Motion"): "...with a three-foot rear-yard setback **along** the northern property line."
- Under Item 3 :
  - Paragraph 1: "Deputy Community Development Director Wisneski introduced the item and addressed previous consideration by the Planning Commission, appeal of the Planning Commission's decision to the City Council and revisions made to the project **update** to accommodate additional parking."
  - Paragraph 3: "Discussion followed regarding the appropriate **signors signers** of the application ..."

Page 4:

- Paragraph 9: "Richard **Haskall, Haskell** expressed concerns regarding problems with parking. He felt that people will not park off-site and that once **the a** medical use is established, it will not move. He stated that the existing adjacent property is an **eye-sore eyesore** and stated he would have no objection to the City demolishing the existing building and making it into a parking lot."
- Paragraph 10: "He indicated that the property is an **eye-sore eyesore** and and a fire hazard."
- Paragraph 11: "Sandy **Haskall Haskell** expressed ..."
- Paragraph 15: "Commissioner Kramer indicated that he finds the application **inefficient deficient** and expressed concerns with the existing uncertainty."

Note: these comments by Commissioner Kramer actually came *after* the motion, rather than *before* it, and Commissioner Tucker's longer comments on the motion do not appear in the written minutes.

Page 5:

- Paragraph 2 from end: "Ms. Nova reported that interim Criterion No. 7 referenced in the Planning Director's letter is no longer in **affect effect**."

Page 6:

- Paragraph 2: "Discussion followed with **Commission Commissioner** Tucker and Mr. Campbell regarding the language of the General Plan and Coastal Land Use Plan policies."
- Paragraph 11: "Ms. Nova reported that it is the City's policy to protect views from public view points and public rights-of-way **but not private views on private property**." [No correction is suggested, for this is what was said, but I would note that this does *not* seem to be the City's policy with

regard to development on public land (or development requiring an encroachment permit to build on it). In discussion about the proposed Sunset View Park (on the bluff adjacent to the Hoag Hospital cogeneration plant) at Tuesday's Parks, Beaches and Recreation Commission meeting, City staff spent considerable time explaining their sensitivity about adding as much as a bench or picnic table because of its impact on ocean views from neighboring private residences]

Page 7:

- Paragraph 7: "...and that the Local Coastal Program ~~implementing plan~~ Implementation Plan has not been adopted."

Page 8:

- Paragraph 7: "He commented on the Coastal Commission's definition of ~~"stringline"~~ "the predominant line of development" and felt..."

Page 9:

- Paragraph 4: "Chair Toerge addressed an upcoming meeting of ~~a the~~ General Plan / Local Coastal Program Implementation Plan Committee where canyon development policies will be addressed."

Page 10:

- Paragraph 6 from end: "He noted that development has been restricted in the City by the ~~"Green Light~~ Greenlight" provision **and commented about that restriction not being included within the Housing Element.**" [Note: although the minutes accurately reflect what I said - I could not find the word "Greenlight" in an automated search of the PDF file -- the draft Housing Element **does** address the restriction, but under the name of "Measure S"/" Section 423 of the City Charter," on pages 5-81 and 5-82. It might also be noted that the state laws cited on those pages no longer exist and/or read as quoted there.]

Page 11:

- Under Item 8: "Brief discussion ensued regarding items for future agendas and the dates of upcoming elections of Commission officers."